

## **REMARKS**

### **SUMMARY:**

The subject application sets forth claims 2-20, of which claims 3, 6, 11 and 16 are independent claims. Claims 2-20 stand rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. Claims 2-5 and 11-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,375,234 (Davidson et al.) in view of U.S. Patent No. 5,463,769 (Tate et al.) and U.S. Patent No. 5,448,726 (Cransie et al.). Claims 6-10 stand rejected 35 U.S.C. §103(a) as being unpatentable over Davidson et al. in view of Tate et al. and U.S. Patent No. 6,032,198 (Fujii et al.).

The above technical and prior art rejections are respectfully traversed based on the following remarks.

### **REJECTION UNDER 35 U.S.C. §101**

The Examiner is of the opinion that the language of claims 2 - 20 "... raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a useful, concrete and tangible result ..." and, therefore, the claims do not "... form the basis of statutory subject matter under 35 U.S.C. 101."

Applicants respectfully disagree with the Examiner's allegation and point out that claims 2-20 are directed to in independent claim 3: "A system for providing dynamic definition of an application object **in a component framework environment**, comprising:...", in independent claim 6: "A method for providing dynamic definition of an application object **in a component framework environment**, the method comprising steps of ... .", in independent claim 11: "A **computer readable medium** for providing dynamic definition of an application object, comprising ...", and in

independent claim 16: “A **system** for providing dynamic definition of an application object, comprising ...”(emphases added).

35 U.S.C. 112, sixth paragraph, clearly provides a sound statutory basis for such claim formats. Moreover, the statute clearly states that when applicants, as here, avail themselves of such permissible claim formats, the “... **claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.**” (*emphasis supplied*)

Applicants have disclosed, for example, at page 6 lines 3-4 of their current specification, that “... it should also be noted that ... the preferred embodiment of the invention describes functionality provided by a server computer... .” Moreover, Applicants have stated at page 5, beginning at line 17 that:

“... FIG. 1 is a block diagram that portrays a diagram of a network that illustrates the flexibility, expandability, and platform independence in which the present technical framework 41 may be implemented.

Referring to FIG. 1, a series of client computers 11a, 11b, 11c are connected to a server computer 31 via a network 16. The network 16 may be, for example, but not limited to, a dial-in network, local area network (LAN), wide area network (WAN), public switched telephone network (PSTN), Intranet, Internet, Ethernet type network, and the like.”

Contrary to the Examiner's allegation that such “... does not recite a limitation in the technological arts” it is believed that not only are such computers and networks a part of the “technological arts,” they are indeed part of the forefront of the technological arts. Because Applicants have chosen to avail themselves of a statutorily sanctioned claim format, Applicants, in fact are not claiming mental processes, or merely writing something on a piece of paper but rather have disclosed specific elements clearly within the technological arts and have made claims to subject matter corresponding to that disclosure in a form that is clearly approved and very commonly used to provide appropriate protection for a disclosed invention.

The Examiner states further that: Independent claims 3, 6, 11, and 16 do not appear to require any computer hardware to implement the claimed invention.” Applicant strongly believes that the previously mentioned arguments more than satisfy all requirements under 35 U.S.C. 101 as to patentable subject matter. However, Applicants also note that the independent claims *per se* recite in claim 3 “...means for providing a plurality of application dictionaries that contain information about the application object, one application dictionary for each client component and each server component in the component framework environment...”, in claim 6 “...providing a plurality of application dictionaries that contain information about the application object, one application dictionary for each client component and each server component in the component framework environment...”, in claim 11 “...logic for providing an application dictionary that contains information about the application object, including component pertinent information that allows a component to communicate with other components...”, and in claim 16 “...an application dictionary that contains information about the application object, including component pertinent information that allows a component to communicate with other components...” (emphases added).

Applicants respectfully submit that the claims at least clearly encompass systems, methods, and/or computer readable medium including “application dictionaries” and/or “client” and “server” components “in (a) component framework environment” and Applicants urge that none of such useful, concrete and tangible elements can be properly passed off as an “abstract idea that is not tied to a technological art.”

Futhermore, to the extent that the present subject matter specifically involves processes, Applicant further notes in accordance with guidelines set forth in §2106 (IV)(B)(2)(ii) of the MPEP, that a computer-related process limited to a practical application in the technological arts should be considered as statutory. Also, a claim is limited to a practical application when the method, as claimed, produces a concrete, tangible and useful result: i.e., the method recites a step or act of producing something concrete and tangible. See, for example, AT&T Corp. v. Excel Communications Inc.,

172 F3d 1352,1358, 50 USPQ2d 1447,1452 (Fed.Cir.1999); cert.denied, 528 US 946.

In light of the above remarks, Applicants specifically request reconsideration and withdrawal of the subject alleged non-statutory subject matter ground of rejection.

#### **REJECTIONS UNDER 35 U.S.C. §103(a):**

Previously presented and original claims 2-5 and 11-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Davidson et al. in view of Tate et al. and Cramsie et al. Previously presented and original claims 6-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Davidson et al. in view of Tate et al. and Fujii et al.

Applicants note that there appears to be some claim grouping issues involved with the two specifically recited rejections. For example, claims 3 and 6 recite “a plurality of dictionaries” whereas such subject matter is addressed in the current Office Action by reference to Fujii et al. only with respect to claims 6-10. Applicants thus believe that a collective response to the two separately stated rejections may be more comprehensive. Based on the following remarks, Applicants respectfully traverse all alleged obviousness, and request reconsideration of claims 2-20 as previously presented.

In the alternative, should the present submissions not be considered adequate for patentability of the present subject matter, Applicants request a re-formulated set of rejection grounds issued in a further Office Action, more clearly setting forth the various allegations of obviousness grounds, to facilitate additional consideration and response thereto on behalf of the Applicants.

Before setting forth a discussion of the prior art as it is now applied in the subject Office Action, it is respectfully submitted that controlling case law has frequently addressed rejections under Section 103, for example, as follows.

In addition to the well-known required multi-step analysis of Graham v. John Deere Co., 381 U.S. 1, 148 U.S.P.Q. 459 (S. Ct. 1966), and its progeny, the Court of

Appeals for the Federal Circuit has on numerous occasions offered its guidance concerning the propriety of Section 103 rejections.

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so. (emphasis original)

ACS Hospital Systems, Inc. v. Montefiore Hospital, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

The task of the Patent Office is essentially a burden of proof not just to show prior patents with selected elements similar to respective parts of a claimed combination, but to show teachings to support obviously combining the elements in the manner claimed.

Virtually all inventions are necessarily combinations of old elements. The notion, therefore, that combination claims can be declared invalid merely upon finding similar elements in separate prior patents would necessarily destroy virtually all patents and cannot be the law under the statute, ' 103.

Panduit Corp. v. Dennison Manufacturing Co., 1 U.S.P.Q. 2d 1593, 1603 (Fed. Cir. 1987; footnotes omitted).

In In re Deminski, 230 U.S.P.Q. 313 (Fed. Cir. 1986), the court reversed a Patent Office Board of Appeals decision rejecting claims for obviousness, saying: "There [was] nothing in the prior art references, singly or in combination, 'to suggest the desirability, and thus the obviousness' of the [claimed subject matter]." Id. at 315; emphasis original. The court noted that the relied-on reference did not address the technical problem addressed by the claimed invention (and in fact taught away from the Applicant's invention), and stated the well-established principle that "[h]indsight analysis is clearly improper. . . ." Id. at 316.

In Bausch & Lomb v. Barnes-Hind/Hydrocurve, 230 U.S.P.Q. 416 (Fed. Cir. 1986), the court vacated a district court holding of invalidity for obviousness. In doing so, the district court was criticized for viewing teachings from the prior art in isolation,

instead of considering the prior art references in their entirety; for entering the tempting but forbidden zone of hindsight analysis; for failing to view the claimed invention as a whole; and for disregarding express claim limitations. Id. at 419, 420.

It is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art.

Bausch & Lomb, supra, at 419 (emphasis added).

The Supreme Court in Graham and Adams . . . foreclosed the use of substitutes for facts in determining obviousness under section 103. The legal conclusion of obviousness must be supported by facts. [footnote omitted] Where the legal conclusion is not supported by facts, it cannot stand. . . .

A rejection based on section 103 clearly must rest on a factual basis, and these facts must be interpreted without hindsight reconstruction of the invention from the prior art. . . . It [the Patent Office] may not, because it may doubt that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in its factual basis. . . . [W]e may not resolve doubts in favor of the Patent Office determination when there are deficiencies in the record as to the necessary factual bases supporting its legal conclusion of obviousness.

In re Warner, 379 F.2d 1011, \_\_\_, 154 U.S.P.Q. 173, 177, 178 (C.C.P.A. 1967; emphasis original).

"[S]implicity and hindsight are not proper criteria for resolving the issue of obviousness." Ex parte Clapp, 227 U.S.P.Q. 972, 973 (PTO Bd. App. 1985).

In addition, for example, in In re Mills, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990), a Section 103 rejection previously approved by the Board of Patent Appeals and Interferences was reversed by the Court of Appeals for the Federal Circuit. An apparatus claim recited, in essence, a means having a pumping capacity greater than an ingredient feed rate to a mixing chamber, while the reference disclosed a variable

speed arrangement merely capable of the claimed operation but not expressly suggestive thereof.

While [the prior art] apparatus may be capable of being modified to run the way [applicant's] apparatus is claimed, there must be a suggestion or motivation in the reference to do so. [Citing authority] . . . The apparatus claimed by [applicant] is different from that of [the prior art reference] . . . .

. . . It is not pertinent whether the prior art device possesses the functional characteristics of the claimed invention if the reference does not describe or suggest its structure.

In re Mills, 16 U.S.P.Q.2d 1432, 1433.

"An analysis of obviousness of a claimed combination must include consideration of the results achieved by the combination. [Quoting authority] 'Critical to the analysis is an understanding of the particular results achieved by the new combination. . . .'" The Gillette Co. v. S.C. Johnson & Sons, Inc., 919 F.2d 720, \_\_, 16 U.S.P.Q.2d 1923, 1928 (Fed. Cir. 1990; affirming federal district court judgment holding claims not invalid).

The following analysis of the present rejections is respectfully offered with guidance from the foregoing controlling case law decisions.

**Rejections Under 35 U.S.C. §103(a) as being unpatentable over Davidson et al. in view of Tate et al. and Fujii et al.:**

Previously presented and original claims 6-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Davidson et al. in view of Tate et al. and Fujii et al.

Previously presented claims 3 and 6 and claims dependent thereon are directed to methods and systems for providing dynamic definition of an application object in a component framework environment, including in part a step of providing a plurality of application dictionaries that contain information about an application object, wherein one application dictionary is provided for each client component and another dictionary

is provided for each server component in the component framework. As set forth in the present application (see pg. 4 line 16 – pg. 5, line 2), component pertinent information in the dictionary(-ies) concern information that allows a component to communicate with other components (i.e., a list of used foreign components, and their names). In this way, a component can bind to required foreign components, for example, to acquire a link to the factory in the external component or to invoke their services. Such communication is facilitated by providing application dictionaries in both client component and server component locations.

The July 28, 2005 Office Action correctly notes that the above feature is not disclosed singularly or in combination of the Davidson et al. and Tate et al. references. In attempt to cure such deficiencies, the Office Action further cites the disclosure of Fujii et al. The Office Action alleges that Fujii et al. discloses application dictionaries wherein each client/server component (compared to the application and program elements of Fujii et al.) is provided with its own application dictionary.

Applicants respectfully submit, first, that the above characterization of Fujii et al. –as alleged in and relied on, per the subject Office Action---is inaccurate.

Fujii et al. discloses the use of an interface dictionary 110 and a data item dictionary 111 stored in repository 109, but such dictionary features are provided as a single resource available for storing information regarding multiple applications. More particularly, col. 2, lines 53-60 of Fujii et al. disclose that an editing apparatus may have the function of storing the defined contents of the structure of applications and the logical relation between applications and the defined contents of the interfaces of applications into a [single] repository. Further, col. 4, lines 10-20 of Fujii et al. establish that data items such as date and name used by a plurality of applications are registered in the data item dictionary 111.

In view of the foregoing, it is clear that Fujii et al. disclose a **single data item dictionary** that is employed for storage of information related to a plurality of different applications. **In contrast, the technology set forth in respective independent claims 3 and 6 and their dependent claims require a plurality of dictionaries**, with one for each client and server component.



**Thus, such presently claimed technology is different from the arrangement disclosed in Fujii et al.**

Secondly, Applicants respectfully point out that Davidson et al., have specifically adopted the IBM Dictionary of Computing definition of a data dictionary as a "...**central repository** of information about data, origin, usage, and format." (See Davidson et al. at column 1, lines 12-14 (emphasis added).)

**One of the more important aspects to the concept of "obviousness"** as related to the idea of modifying the teaching of one reference in light of the teaching of another **involves the idea of not destroying or rendering inoperative the original disclosure.** Davidson et al. is primarily concerned with the management of **an** (i.e. singular – one) active data dictionary. Any suggestion to modify Davidson et al. so as to provide separate data dictionaries, one for a client component and another for a server component as specifically called for by claims 3 and 6, would clearly be contrary to Davidson et al.'s basic concept of maintaining a **single** data dictionary as so clearly established by the preambles in each and every one of its independent claims as well as, of course, throughout its specification.

Based on the above distinctions, Davidson et al., Tate et al. and Fujii et al. fail to disclose singularly or in combination all elements of present independent claims 3 and 6, **particularly providing a plurality of application dictionaries, one for each client and server component in a component framework environment.** Therefore, such references cannot by law serve as a basis for unpatentability of present independent claims 3 and 6, and Applicants respectfully solicit acknowledgement of same.

Furthermore, since present claims 2, 4-5 and 7-10 variously depend from otherwise allowable present independent claims 3 and 6 and further limit same, claims 2, 4-5 and 7-10 should also be allowed.

**Rejections Under 35 U.S.C. §103(a) as being unpatentable over Davidson et al. in view of Tate et al. and in view of Cramsie et al.:**

Previous claims 2-5 and 11-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Davidson et al. in view of Tate et al. and in view of Cramsie et al. Based on the remarks presented herewith, Applicants respectfully traverse such alleged obviousness, and request reconsideration and allowance of present claims 2-5 and 11-20.

Present independent claims 11 and 16 are directed to a respective computer readable medium and system for providing dynamic definition of an application object, including in part features for providing an application dictionary that contains information about the application object and including component pertinent information that allows a component to communicate with other components. As set forth in the present application (see pg. 4 line 16 – pg. 5, line 2), component pertinent information in the dictionary(-ies) concern information that allows a component to communicate with other components (i.e., a list of used foreign components, and their names). In this way, a component can bind to required foreign components, for example, to acquire a link to the factory in the external component or to invoke their services.

The above feature incorporated into independent claims 11 and 16 is not disclosed singularly or in combination of the Davidson et al., Tate et al. and Cramsie et al. references. Therefore, such references cannot by law serve as a basis for unpatentability of present independent claims 11 and 16, and Applicants respectfully request acknowledgement of same. Furthermore, since present claims 12-15 and 17-20 variously depend from otherwise allowable present claims 11 and 16 and further limit same, claims 12-15 and 17-20 should also be allowed.

With respect to such particular grouping of claims, the issues from claims 2-5 with respect to the claimed plural data dictionaries have been addressed hereinabove.

**CONCLUSION:**

In light of the foregoing and for at last the reasons set forth above, Applicants respectfully submit that the present application, including claims 2-20 (of which, claims 3, 6, 11, and 16 are independent claims), is in complete condition for issuance of a formal Notice of Allowance, and action to such effect is earnestly solicited. The Examiner is invited to telephone the undersigned at his convenience should only minor issues remain after consideration of this response in order to permit early resolution of same.

Respectfully submitted,

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